

REMARKS

The following amendments and remarks respond to the Notice of Non-Compliant Amendment mailed on November 5, 2008, indicating that the amendment filed by Applicant on December 26, 2007 did not properly amend the claims as amended by the amendment filed on September 12, 2007.

Following receipt of the Notice of Non-Compliant Amendment, Applicant's attorney and the Examiner spoke by telephone to discuss which amendments were entered and which were not so that the proper amendment could be made in this application. Following these discussions, the Examiner left a voicemail message for Applicant's attorney indicating that under MPEP § 707.07(h), the amendment submitted on December 12, 2007 was in fact entered notwithstanding that paragraph 5 of the Office Action mailed on December 5, 2007 indicated that the amendment of December 12, 2007 was non-responsive.

Accordingly, the present amendment now amends the claims that have been entered in connection with the amendment filed on December 12, 2007.

As an initial matter, Applicant does not agree that its September 12, 2007 amendment presented claims drawn to a "non-elected" invention or claims representing a shift in invention. Applicant's attorney had conducted a telephone interview with the Examiner on August 23, 2007 wherein the proposal of adding the language of "GUI screens" was discussed. Although the Examiner indicated that the term "scenes" used in the claims was a broad term that would apply to movie and clip editing functions such as disclosed in Kingler, Applicant explained that the present application had actually used the word "scenes" to mean "GUI screens," as indicated in the application at page 3:

It should [be] noted that a GUI screen for implementing a function to achieve a certain

objective by prescription of described information as referred to as a "scene."

Thus, in order to clarify the claims in accordance with the specification, Applicant had amended the claims to specify that the claimed invention allows for the editor to create final GUI screens from shared screens, each of the shared screens comprising one or more shared user selectable objects that are controllable for display to create the final screens.

However, because of the Examiner's current position, Applicant proposes to resolve this matter by presenting differently worded amendments to the claims in order to distinguish over Klingler, as Klingler does not disclose or teach:

a shared-scene creation module operable allow the editor to define shared scenes that are superimposable to create a single, superimposed and nonsequential final scene, the shared scenes being virtual scenes formed in accordance with an internal format and used to form the final scenes, each of the shared scenes comprising one or more shared objects that are controllable for display to create final scenes, the shared objects being separately controllable independent of the defined shared scenes in which the shared objects are displayed in accordance with the predetermined specification; [or]

a shared-scene processing module operable to enable the editor to virtually superimpose two or more shared scenes, each of the shared scenes comprising one or more of the shared objects, for creating the superimposed and nonsequential final scenes with the shared objects from each selected shared scene;

In other words, Klingler differs from the claimed invention in that it presents to the editor movie clips to be strung together sequentially in time with different possible effects (deemed by the Examiner to be "objects") to be applied across one or multiple sequential movie clips. What Klingler does not disclose or teach is to allow the editor, for example, to take

clip A with an added effect 1, and clip B with added effects 2 and 3, and superimpose both clips to form a superimposed new clip (clip A overlaid upon clip B) with all of added effects 1-3 now being displayed.

By contrast, in accordance with the present invention, the editor is provided with shared scenes that include shared objects (such as the object "obj" in Fig. 16A) that are normally controlled independently to be displayed in a final scene, without regard to a shared scene. In the past, the more difficult way an editor would create a final scene, such as MHEG scene 2 of Fig. 16D, would be to decide when to turn each individual object on or off for display in given final scene. However, as described, for example, in paragraphs [0267]-[0268] of the present application, the editor would need to have sufficient knowledge of the object scripting language to enable editing work done using only shared objects, on an object-by-object basis. Such prior editing tools only had the functionality of turning a shared object on or off simultaneously for all scenes, which made it difficult for the editor to utilize a shared object effectively among the various scenes. With the present invention, the editor can carry out editing work using shared scenes that are superimposable to create a single, superimposed and nonsequential final scene, as opposed to working with the objects alone. These final superimposed and nonsequential scenes simultaneously display all of the shared objects in each of the combined shared scene. As a result of the selection of shared scenes, the editor can create a single, superimposed final scene with the objects that he or she wants displayed without worrying about scripting needed to selectively turn shared objects on or off.

In view of the amendments and remarks, Applicant respectfully submits that the presently presented claims

patentably distinguish over Klingler and the rejection of the claims under § 102(b) based on Klingler should be withdrawn.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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